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09/815,439	03/22/2001	Steven M. Bennett	5038-88	5237

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EXAMINER

THAI, CUONG T

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 06/18/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/815,439

Applicant(s)

BENNETT, STEVEN M.

Examiner

CUONG T THAI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) None is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## FINAL ACTION

1. This action is responsive Amendment filed on March/29/2004.
2. Claims 1-30 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of 35 U.S.C. 102(e) which forms the basis for all obviousness rejections set forth in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz (USPN: 6,460,036).

As per claim 1 (method) and 24 (article including readable instruction), Herz discloses a method of presenting catered information to the user as the technique of present list to user (see block 1104 IN Fig. 10), the method comprising:

Identifying an item to be presented to the user is taught by Herz as the technique ofServer delivers article to user (see block 1106 in Fig. 10);

Retrieving sub-items from a storage medium, the sub-items selected dynamically based on at least one predetermined factor are taught by Herz as the technique of selection of server as input to additional processes which function to enable human

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users to locate desired target objects using a large computer system (see col. 8, lines 62-64);

Building an interface from the sub-items, presenting the interface to the user, and recording user interface activity in storage medium are taught by Herz as the technique of pieces of information are termed attributes collectively to form a profile of the target objects or a target profile. For example, where the system for customized electronic identification of desirable objects is activated to identify selection of interest, a particular category of on-line products for review or purchase by the user, it can be appreciated that there are certain unique sets of attributes which are pertinent to the particular product category of choice (see col. 9 line 65 to col. 10 line 6).

These claims are therefore rejected for the reasons as set forth above.

As per claim 2, the limitation of wherein the storage medium further comprises one of a database or an in-memory data structure is taught by Herz as the technique of mass storage (see Fig. 1). This claim is therefore rejected for the reason as set forth above.

As per claim 3, Herz discloses wherein the at least one predetermined factor includes directions from the user as the technique of to enable users to locate desired target objects (see col. 8, lines 62-63), the limitations of the user's past activity and contextual information are taught by Herz as the techniques of overall frequency of use (see abstract) and Network Context of the Browsing System (see col. 72, line 9).

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This claim is therefore rejected for the reasons as set forth above.

As per claims 4 (method) and 25 (article including readable instruction), Herz disclose the limitations of determining if the user interface activity should change the presentation of the interface of future information requests from the user, and if the user interface activity should change the interface for the future information requests from the user, adding information correlating to the user interface activity to the storage medium as one of a user specific item automatically constructs a target profile for each target object (see col. 5, lines 9-10) and target profile interest summary is automatically updated on a continuing basis to reflect the user's changing interests (see col. 6, lines 60-62) and Monitor activity and adjust profile (see Fig. 5). These claims are therefore rejected for the reasons as set forth above.

As per claim 5 (method) and 26 (article including readable instruction), Herz discloses the limitation of removing items added as a result of the user interface activity as the technique of the system for customized electronic identification of desirable objects uses a fundamental methodology for accuracy and efficiency matching users and target objects by automatically calculating, using and updating profile information (see col. 6, lines 3-7). These claims are therefore rejected for the reasons as set forth above.

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As per claims 6 (method) and 27 (article including readable instruction), due to the similarity of these claim to that of claims 5 and 26, respectively, these claims are therefore rejected for the same reason applied to claims 5 and 26.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 9-20, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (USPN: 6,460,036) in view of Bodnar et al. (USPN: 6,310,634) hereinafter Bodnar.

As per claims 9 (method) and 30 (article including readable instruction), Herz discloses the invention substantially as claimed above. Herz, however, does not disclose the limitation of removing the items added as a result of the user interface activity occurs when the item is deemed uninteresting.

Bodnar discloses the limitation of removing the items added as a result of the user interface activity occurs when the item is deemed uninteresting as the technique of with the option to change or remove an existing item (see col. 20, lines 47-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Bodnar teaching of removing the items added as a result

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of the user interface activity occurs when the item is deemed uninteresting into that of Herz invention. By doing so, the system would be enhanced by allowing user capable of removing an item deems uninteresting to end user, thus the system would providing an intuitive tool to an end user .

As per claims 7 (method) and 28 (article including readable instruction), due to the similarity of these claims to that of claims 9 (method) and 30 (article including readable instruction), these claims are therefore rejected for the same reason applied to claims 9 and 30.

As per claim 10, Herz discloses the invention substantially as claimed above. Herz, however, does not disclose the limitation of wherein the sub-items include default sub-items for the item to be presented to the user.

Bodnar discloses the limitation of wherein the sub-items include default sub-items for the item to be presented to the user as the technique of Initialize page and control On/Off states to default values (see Fig. 27A).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Bodnar teaching of wherein the sub-items include default sub-items for the item to be presented to the user into that of Herz's invention. By doing so, the system would be enhanced by allowing user to initiate and to define default values for sub-items in order to be outputted to an end user.

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As per claim 11, Herzdiscloses the invention substantially as claimed above. Herz, however, does not disclose the limitation of wherein the sub-items include user specific sub-items derived from previous user interface activity.

Bodnar discloses the limitation of wherein the sub-items include user specific sub-items derived from previous user interface activity as the technique of Departure Time and Arrival Time of Trip to Hawaii (see Figs. 19D-19H).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Bodnar teaching of wherein the sub-items include user specific sub-items derived from previous user interface activity into that of Herz's invention. By doing so, the system would be enhanced by allowing user to specify sub-items to be edited.

As per claim 12, Herz discloses the invention substantially as claimed above. Herz, however, does not disclose the limitation of wherein the sub-items include item specific sub-items derived from previous user interface activity.

Bodnar discloses the limitation of wherein the sub-items include item specific sub-items derived from previous user interface activity as the technique of Departure Time and Arrival Time of Trip to Hawaii (see Figs. 19D-19H) for Specific Meeting with John Doe (see Fig. 18D).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Bodnar teaching of wherein the sub-items include item specific sub-items derived from previous user interface activity into that of Herz's



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invention. By doing so, the system would be enhanced by allowing user to specify item specific sub-items to be edited.

As per claim 13, Herz discloses the invention substantially as claimed above. Herz, however, does not disclose the limitation of wherein the sub-items include item type specific sub-items derived from previous user interface activity.

Bodnar discloses the limitation of wherein the sub-items include item type specific sub-items derived from previous user interface activity as the technique of Departure Time and Arrival Time of Trip to Hawaii (see Figs. 19D-19H) for Specific Meeting with John Doe (see Fig. 18D) of the type of Schedule Meeting (see Fig. 15 C).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Bodnar teaching of wherein the sub-items include item type specific sub-items derived from previous user interface activity into that of Herz's invention. By doing so, the system would be enhanced by allowing user to specify item type specific sub-items to be edited.

As per claim 14, Herz discloses the invention substantially as claimed above. Herz, however, does not disclose the limitation of wherein presenting output to the user is accomplished using one of the group comprising of: a personal computer, a personal digital assistant, a phone, a pager, and a network appliance.

Bodnar discloses the limitation of wherein presenting output to the user is accomplished using a personal digital assistant as the technique of focus is on the

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environment of the interface in a portable computing device such as a PDA (personal digital assistant) (see col. 13, lines 55-57).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Bodnar teaching of presenting output to the user is accomplished using a personal digital assistant into that of Herz's invention. By doing so, the system would be enhanced by allowing portable personal digital assistant to supply information to its end user.

As per claim 15, due to the mostly similarity of this claim to that of claim 1, for the limitation of an extraction agent operable to monitor, dynamically select and fetch information from the repository based on user request and at least one predetermined factor and a prioritization agent operable to determine a priority of presentation of the information. Herz also discloses the limitation of determine a priority of presentation of the information as the technique of presentation of new article and corresponding advertisements which are of highest interest to the user (see col. 62, lines 55-56 and a high priority message (see col. 63, line 10).

Herz, however, does not disclose the limitation of an extraction agent operable to monitor, dynamically select and fetch information from the repository based on user request and at least one predetermined factor.

Bodnar discloses the limitation of an extraction agent operable to monitor, dynamically select and fetch information from the repository based on user request and at least one predetermined factor as the **Smart Assistance** (see col. 34, lines 1-12)

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including the device 100 is used in tandem with a desktop computer PC. The desktop PC is used by the user when "at the office" and the portable computer device 100 is employed when the user is "on the road" (see col. 11, lines 10-13) and the module selector 200 presents the user with selection icons for navigating to different applications or modules of functionalities (see col. 11, lines 6-8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roth teaching of a prioritization agent operable to determine a priority of presentation of the information into that of Bodnar teaching of monitor and fetch information from the repository as directed by a user in term of home-based PC and road portable device into that of Herz's invention. By doing so, the system would be enhanced by automatic ranking priority of information based on recency and frequency information and forwarded those informations to an end user right away.

As per claim 16, Herz discloses the invention substantially as claimed above. Herz, however, does not disclose the limitation of wherein the repository resides on a different device than the storage medium.

Bodnar discloses the limitation of wherein the repository resides on a different device than the storage medium as the technique of large repositories of data reside on the desktop PC which are periodically transferred or synchronized with data residing on the portable computer device 100 (see col. 11, lines 14-18).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Bodnar teaching of wherein the repository resides on a different device than the storage medium into that of Herz invention. By doing so, the system would be enhanced by allowing data information synchronously transferred from repository storage of home-based device to user interface device's storage quickly.

As per claim 17, Herz discloses the invention substantially as claimed above. Herz, however, does not disclose the limitation of wherein the repository resides on the same device as the storage medium.

Bodnar discloses the limitation wherein the repository resides on the same device as the storage medium as the technique of portable computing device or information appliance 100 comprises a central processing unit 105 connected via a system bus 140 to a display 101, an input 102, ports 103, and memory 110 (see col. 10, lines 34-39).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Bodnar teaching of wherein the repository resides on the same device as the storage medium into that of Herz's invention. By doing so, the system would be enhanced by quickly retrieving information and forwarded information to its own system in case of lost signal to external communication.

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As per claim 18, Herz discloses the invention substantially as claimed above.

Herz, however, does not disclose the limitation of wherein the storage medium resides on the same device as the user interface.

Bodnar discloses the limitation of wherein the storage medium resides on the same device as the user interface as the technique of portable computing device or information appliance 100 comprises a central processing unit 105 connected via a system bus 140 to a display 101, an input 102, ports 103, and memory 110 (see col. 10, lines 34-39).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Bodnar teaching of wherein the storage medium resides on the same device as the user interface into that of Herz's invention. By doing so, the system would be enhanced by quickly retrieving information and forwarded information to its own system in case of lost signal to external communication.

As per claim 19, Herz discloses the invention substantially as claimed above. Herz, however, does not disclose the limitation of wherein the storage medium resides on a different device than the user interface.

Bodnar discloses the limitation of wherein the storage medium resides on a different device than the user interface as the technique of large repositories of data reside on the desktop PC which are periodically transferred or synchronized with data residing on the portable computer device 100 (see col. 11, lines 14-18).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Bodnar teaching of wherein the storage medium resides on a different device than the user interface into that of Herz's invention. By doing so, the system would be enhanced by allowing data information synchronously transferred from repository storage of home-based device to user interface device quickly.

As per claim 20, due to the similarity of this claim to that of claim 14, this claim is therefore rejected for the same reasons applied to claim 14.

7. Claims 8 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (USPN: 6,460,036) in view of Bates et al. (USPN: 5,390,295) hereinafter Bates.

As per claims 8 (method) and 29 (article including readable instruction), Herz discloses the invention substantially as claimed above. Herz, however, does not disclose the limitation of removing the items added as the result of the user interface activity occurs after a fixed time.

Bates discloses the limitation of removing the items added as the result of the user interface activity occurs after a fixed time as the technique of timer 32 keeps track of the value of the current system timer (see col. 6, lines 14-15), wherein this data is used to check for a situation where a window is in focus for a long period of time but there is no activity coming from a user and to automatically suspend the window timing function when a specified inactivity timeout period has elapsed (see col. 6, lines 22-27).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Bates teaching of removing the items added as the result of the user interface activity occurs after a fixed time into that of Herz's invention. By doing so, the system would be enhanced by providing a monitor tracking tool for removing and suspend window when there is no activity from a user for long period of time, thus the system would save space estate for other output information to an end user.

8. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (USPN: 6,460,036) in view of Bodnar et al. (USPN: 6,310,634) hereinafter Bodnar and further in view of Raman (USPN: 5,748,186).

As per claim 21, Sullivan-Bodnar discloses the invention substantially as claimed above. Sullivan-Bodnar, however, do not disclose the limitation of wherein the interface is an audio interface.

Raman discloses the limitation of wherein the interface is an audio interface as Audio interface 141 (see Fig.1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Raman's teaching of the user interface is an audio interface into that of Sullivan-Bodnar combined invention. By doing so, the system would be enhanced by providing an audio interface to its end user.

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As per claim 22, Sullivan-Bodnar discloses the invention substantially as claimed above. Sullivan-Bodnar, however, do not disclose the limitation of wherein the interface is a visual interface.

Raman discloses the limitation of wherein the interface is a visual interface as Visual interface 142 (see Fig.1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Raman's teaching of the user interface is a visual interface into that of Sullivan-Bodnar combined invention. By doing so, the system would be enhanced by providing visual interface to its end user.

As per claim 23, Sullivan-Bodnar discloses the invention substantially as claimed above. Sullivan-Bodnar, however, do not disclose the limitation of wherein the interface is multi-modal.

Raman discloses the limitation of wherein the interface is multi-modal as the technique of a presenter 140 can convert the common intermediate structure 200 into multi-modal presentation as directed by the user (see col. 3, lines 8-11).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Raman's multi-modal interface into that of Sullivan-Bodna combined invention. By doing so, the system would be enhanced by providing multi interfaces to an end user wherein the end user can decided which interface which he desired to work on.



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9. Applicant's arguments filed on March/29/2004 have been reconsidered, but they are not persuasive.

On the last paragraph of page 8, Applicant argues that " Sullivan is thus significantly different than the method, apparatus and system as claimed herein... Instead, the presently claimed invention is directed at an intelligent, dynamically customized user interface. As described in the specification, when a user requests information, the information is presented on a user interface after being gathered by the system." The Examiner, however, does not agree to this argument since the feature of "when a user requests information, the information is presented on a user interface after being gathered by the system" is taught by Herz as the technique of selection of server as input to additional processes which function to enable human users to locate desired target objects using a large computer system (see col. 8, lines 62-64);

On the second paragraph of page 9, Applicant argues that " Claims 1 and 24 include the limitation of retrieved sub-items from a storage medium, where the sub-item are dynamically selected based on at least one predetermined factor (e.g., the user explicit input, the user previous activity and contextual information)". The Examiner, however, does not agree to this argument since the feature of "retrieved sub-items from a storage medium, where the sub-item are dynamically selected based on at least one predetermined factor (e.g., the user explicit input, the user previous activity and contextual information)" are taught by Herz as the techniques of overall frequency of use (see abstract) and Network Context of the Browsing System (see col. 72, line 9).

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On the third paragraph of page 9, Applicant argues that "Claims 2-4, 7, 9-14 and 25, 28 and 30 are depend on Claims 1 and 24 respectively. As such, these claims also include these limitations not taught by Sullivan and Bodnar. Applicant therefore respectfully submits that Sullivan and Bodnar, individually or in combination, do not render claims 1-4, 7, 9-14, 24-25, 28 and 30 unpatentable". The Examiner, however, do not agree to this argument. These claims 2-4, 7, 9-14, 24-25, 28 and 30 are rejected due to their dependencies upon based claims 1 and 24.

On the first paragraph of page 10, Applicant argues that " Applicant submits that since Sullivan and Bodnar do not teach various elements of the independent claims, Sullivan and Bodnar do not render any of the independent claims unpatentable. The addition of Edelman, Bates, Roth or Raman to Sullivan and Bodnar also does not teach or suggest various of these claimed elements of independent claims 1, 15, and 24. As a result, these references, alone or in combination with Sullivan and Roth do not render dependent claims 5-6, 8, 15-23, 26-27 and 29 unpatentable". The Examiner, however, do not agree to this argument. These claims 5-6, 8, 15-23, 26-27 and 29 are rejected due to their dependencies upon based claims 1, 15 and 24.

### ***Conclusion***

10. Accordingly, **THIS ACTION IS MADE FINAL**. A shortened statutory period for response to this action is set to expired **THREE MONTHS, ZERO DAYS** from the date

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of this action. Failure to respond within the period for response will cause the application to be abandoned.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG T THAI whose telephone number is (703) 308-7234. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached at (703) 308-3116.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communication)

(703) 872-9306 (Official Communication)

(703) 746-7240 (For status inquiries, Draft Communication).

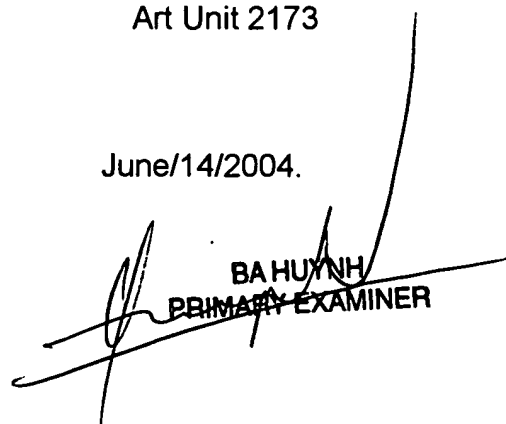
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8000.

CUONG T THAI

Examiner

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June/14/2004.

  
BA HUYNH  
PRIMARY EXAMINER